

**From:** Zach Johnson  
**To:** Microsoft ATR  
**Date:** 1/23/02 7:40pm  
**Subject:** Microsoft Settlement

The proposed settlement is bad idea. I have several issues with the Microsoft settlement, as outlined below:

1) The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by businesses to create Windows-compatible applications. The Microsoft Platform SDK EULA says:

"Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product..."

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the Proposed Final Judgment is contributing to the "Applications Barrier to Entry" faced by competing operating systems. That is, through illegal practices Microsoft is stifling other operating systems such as Linux and FreeBSD by limiting their software libraries. Linux and FreeBSD use middle-ware called WINE to run software created for Windows. If Windows software is bound by the above license it then becomes illegal to use this software with WINE.

2) The Proposed Final Judgment supposedly applies to "Windows", but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box -- operating systems that all use the Win32 API and are advertised as being "Windows Powered".

3) Microsoft Corporation makes both the operating system Windows and software which runs in Windows such as applications and video games. Because this corporation created the operating system, it gives them a significant advantage in designing software for that operating system, not to mention the fact they can integrate their software into the operating system installation. This is unacceptable.

I myself design software for Windows, often applications or games which directly compete with software written by Microsoft. If they wished to put their competition (that's me) out of business they would simply need to ship the Windows operating system with their version of the software

pre-installed. Allow me to give you a specific example. Microsoft recently started marketing their MSN Messenger software. MSN Messenger is an Instant Messaging program that allows users to chat on the internet. I have recently created an Instant Messaging program of my own which offers new and unique features not available with MSN Messenger. Unfortunately for me, computers running Microsoft Windows often come with MSN or MSN Messenger pre-installed onto the Windows desktop. If they aren't pre-installed then their corresponding webpages are often linked to. Microsoft exploits the fact that they created the operating system and gives their software an unfair advantage.

Microsoft should not be allowed to place any software, or links to software, on the Windows desktop. The items that appear on the desktop should be free for computer manufacturers to decide, such as Gateway, Dell, and Compaq. Even better would be to break Microsoft Corporation into two entities, one for Operating Systems and one for Software.

Beyond this I also agree with Dan Kegel whose views can be seen here:  
<http://www.kegel.com/remedy/>

Thank you,  
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